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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,197	03/31/2006	Jean Bartheuuf	BARTHOMEUFI	5887
1444 7590 10/28/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER NIEBAUER, RONALD T				
ART UNIT 1654		PAPER NUMBER		
MAIL DATE 10/28/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10574197	3/31/2006	BARTHOMEUF ET AL.	BARTHOMEUF1

EXAMINER

RONALD T. NIEBAUER

ART UNIT	PAPER
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1654

20081023

DATE MAILED:

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Commissioner for Patents

The reply filed on 7/29/08 is not fully responsive to the prior restriction requirement because of the following omission(s) or matter(s): while applicant has elected a group (group II) and unique species for the bioreactor vessel (aeration tank) and the living cells (bacteria), applicant has not elected a unique species for the substrate. For the substrate, applicant has elected 'a medium containing a compound the metabolic conversion of which is envisaged'. The elected substrate represents a subgenus not a species. Applicant is to elect a species for the substrate. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached at 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald T Niebauer/
Examiner, Art Unit 1654

/Anish Gupta/
Primary Examiner, Art Unit 1654